



MAIL STOP ISSUE FEE
PATENT
23390-000103/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:	Vladimir PAVLOVIC et al.	Conf:	1545
Appl. No.:	09/989,940	Group:	2838
Filed:	November 21, 2001	Examiner:	Lawrence W. Luk
For:	METHOD AND APPARATUS FOR AMELIORATING ELECTROLYTE STRATIFICATION DURING RAPID CHARGING		

REQUEST FOR SUPPLEMENTAL NOTICE OF ALLOWABILITY

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window **Mail Stop Issue Fee**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

January 10, 2005

Dear Sir:

Applicants received a Notice of Allowability ("Notice"), together with the December 17, 2004 Notice of Allowance. The Notice contains the following three errors:

- (1) Item No. 6 indicates that corrected formal drawings are required to overcome the drawing objections noted in the PTO Form 948, which refers to the informal drawings submitted November 21, 2001. Applicants submitted formal drawings on January 22, 2002, which are believed to overcome all of the raised drawing objections. The Examiner is respectfully requested to acknowledge receipt and indicate approval of the January 22, 2002 formal drawings.
- (2) Item No. 2 indicates that claims 3-10 and 14-24 are allowed. However, claim 13 remains pending and is dependent from allowed claim 23. Accordingly, the allowed claims should have been indicated as 3-10 and 13-24.
- (3) The USPTO has not yet acknowledged Applicants' foreign priority claim or acknowledged receipt of the certified copy of the priority document. Applicants' foreign priority claim and the certified copy were submitted via the November 22, 2002 Priority Letter. The foreign priority claim is indicated right on the Priority Letter. A courtesy copy of the November

22, 2002 Priority Letter and the first page of the certified priority document is enclosed for the Examiner's convenience.

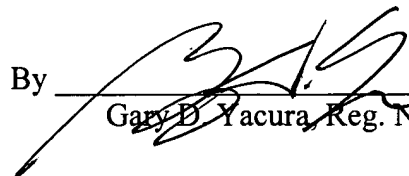
The original Priority Letter incorrectly referred to the priority document as "2636604," and therefore the correct priority information (as shown on the first page of the priority document) has been inserted in manuscript.

In view of the above, Applicants respectfully request the Examiner to forward a Supplemental Notice of Allowability to correct these errors.

If any points remain an issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Harness, Dickey & Pierce, P.L.C

By



Gary D. Yacura, Reg. No. 35,416

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**COMMENTS ON THE EXAMINER'S
STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

In reply to the Examiner's Statement of Reasons for Allowance, provided with the Notice of Allowance dated December 17, 2004, Applicants submit the following comments.

The Statement only loosely paraphrases the claim recitations. For example, the Statement indicates that claim 15 is allowed for the reasons written in the previous Office Action. In the previous Office Action (i.e., the May 12, 2004 Office Action), the Examiner indicates that claim 15 is allowable because the prior art fails to teach or reasonably suggest the "overcharge instruction means." However, claim 15 (which is written in a *method* format) does *not* recite the term "overcharge instruction means." In this and in any other regard, claim 15

should be interpreted only by the features present therein, and not by the Examiner's paraphrasing.

Furthermore, independent claim 21 does *not* recite the term "using the current control to deliver the overcharge current to the battery during charging." And independent claim 23 (which is written in a *method* format) does *not* recite the terms "overcharge instruction means" or "using the current control to deliver the overcharge current to the battery during charging." In this and in any other regard, claims 21 and 24 should be interpreted only by the features present therein, and not by the Examiner's paraphrasing.

Turning to the next point, the Reasons for Allowance characterize the prior art of record as allegedly teaching various features. Applicants do *not* acquiesce to the Examiner's characterization of the references.

Applicants agree that each of independent claims 4, 5, 14, 15, 21 and 23 is patentable over the prior art. However, as each claim should be interpreted only based upon the terms used therein, Applicants submit these comments to ensure that the claims are not unduly limited, in any way, by the Examiner's statement.

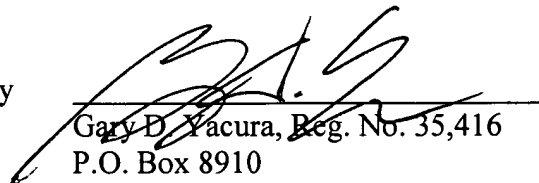
Should there be any pending matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

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